

Application Serial No. 10/520,321
Reply to Office Action of April 28, 2009

PATENT
Docket: CU-6585

REMARKS

In the Office Action, dated April 28, 2009, the Examiner states that Claims 29-74 are pending, Claims 29-36, 43, 45, 47, 49-52, 54, 55, 57, 58, 63, 64, 67, 68, 71 and 72 are rejected and Claims 37-42, 44, 46, 48, 53, 56, 59-62, 65, 66, 69, 70, 73 and 74 are allowed. In the Notice of Non-Compliant Amendment, dated September 21, 2009, the Examiner states that the abstract needs to be cancelled and replaced with a new abstract in clean text. By the present Amendment, Applicant amends the claims, cancels the abstract, and presents a new abstract in clean text. No new matter has been added.

Double Patenting Rejection

Claims 29-33, 51, 54 and 71 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 2, 4 and 5 of US 6,826,001. Applicant respectfully asserts that the substantive amendments executed to independent Claim 29 render that claim non-obvious over US 6,826,001.

Since independent Claim 29 is allowable over the prior art, Applicant asserts that all claims depending therefrom are allowable for at least the same reasons, as well as for the features that they recite. As such, Applicant respectfully requests withdrawal of the present double-patenting rejection.

Abstract of the Disclosure Objection

The abstract of the disclosure is objected to because it is not presented as a single paragraph. Moreover, the amended abstract filed on July 28, 2009, was said to be substantially rewritten and as such, a new abstract in clean text was required along with an instruction to cancel to previous abstract. Applicant respectfully requests cancellation of the previous abstract and replacement with the new abstract filed herewith the present amendment. The abstract filed herewith is in clean text form and includes only one paragraph. Accordingly, Applicant respectfully requests withdrawal of the present objection to the abstract of the disclosure.

Rejections under 35 U.S.C. §112

Claims 49 and 50 are rejected under 35 U.S.C. §112, second paragraph, because the Office Action does not consider that the phrase "the yellow pigment" recited therein has proper antecedent basis. Applicant has amended Claims 49 and 50 such that they depend from Claims 47 and 48, respectively. Accordingly, Applicant respectfully asserts that the phrase "the yellow pigment" recited therein

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has proper antecedent basis. As such, Applicant respectfully requests withdrawal of the present rejections under 35 U.S.C. §112, second paragraph.

Rejections under 35 U.S.C. §102

Claims 29-36, 43, 45, 47, 49, 51, 52, 54, 55, 57, 58, 63, 64, 67, 68, 71 and 72 are rejected under 35 U.S.C. §102(a) as anticipated by WO 02/067022. Claims 29-36, 43, 45, 47, 49, 51, 52, 54, 55, 57, 58, 63, 64, 67, 68, 71 and 72 are rejected under 35 U.S.C. §102(a) as anticipated by JP 2003-161828. Applicant respectfully disagrees with and traverses these rejections.

The pigment of the currently amended Claim 29 can develop a green color of the chromaticity coordinate region enclosed by the above-mentioned Equations 7, 8 and 9 (REGION B in FIG. 4), which has not been displayed by conventional green pigments. Therefore, the color reproduction range can be more expanded compared with the case of using conventional green pigments. Also, the green pigment of the present invention is excellent in the color strength and thus it can get close to the green color defined by the specification by a small amount compared with the case of using a conventional pigment such as $\text{ZnPcBr}_{14}\text{Cl}_1\text{H}$ in WO'022 or $\text{ZnPcBr}_{13}\text{Cl}_2\text{H}$ in JP2003-161828. Accordingly, the film thickness can be made thinner, so that the make-up property in printing can be improved so as to facilitate the formation of the minute shape by the photolithography. Moreover, the green pigment of the present invention has a high transmittance.

In contrast, $\text{ZnPcBr}_{14}\text{Cl}_1\text{H}$ in WO 02/067022 or $\text{ZnPcBr}_{13}\text{Cl}_2\text{H}$ in JP2003-161828 can display neither the xy-chromaticity coordinate region enclosed by the Equations 1, 2 and 3 (region A) nor the xy-chromaticity coordinate region enclosed by the Equations 7, 8 and 9 (region B). Applicant respectfully asserts that one of ordinary skill in the art could not conceive, from WO 02/067022 or JP2003-161828, brominated zinc phthalocyanines containing less than 13 bromines on average per one molecule, especially a green pigment which is able to display the region B. Because the green pigment of the currently amended Claim 29 can get close to the green color defined by the specification by a small amount, people skilled in the art cannot anticipate the advantageous effect that the film thickness can be made thinner and thus the make-up property in printing can be improved so as to facilitate the formation of the minute shape by the photolithography.

As such, Applicant respectfully requests withdrawal of the present rejections

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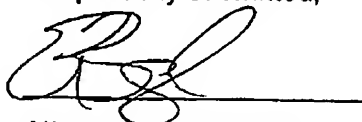
under 35 U.S.C. §102(a).

In light of the foregoing response, all the outstanding objections and rejections are considered overcome. Applicant respectfully submits that this application should now be in condition for allowance and respectfully requests favorable consideration.

Respectfully submitted,

September 29, 2009

Date



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